Heller

Ehrman LLP

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Heller 28 Ehrman LLP I, Leslie N. Harvey, declare as follows:
I am an associate with the law firm of Heller Ehrman LLP

2. I am an associate with the law firm of Heller Ehrman LLP ("Heller Ehrman"), counsel to Defendant Microsoft Corporation ("Microsoft"). The factual assertions herein are made on my personal knowledge and, if called upon to do so, I could and would testify competently thereto.

3. Counsel for Microsoft participated in two separate phone calls with the plaintiff, who is representing herself *pro se*, requesting that she agree to move this conference. In these calls, counsel explained the aforementioned procedural predicament to her. Plaintiff has indicated, however, that she does not want to move the settlement conference and is interested in getting this case over with quickly, and Microsoft indicated its intent to file this motion.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct of my own knowledge and that this declaration is executed on July 17, 2008 in San Francisco, California.

LESLIE N. HARVEY